

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

LACHAUNIA YVETTE HAYS §
XXX-XX-1123 § CASE NO. 08-41719-R
18950 LINA STREET §
APT 1511 § CHAPTER 13
DALLAS, TX 75287 §
DEBTOR §

MOTION TO DISMISS AND SETTING HEARING

**THE TRUSTEE REQUESTS THE COURT TO SET THIS MOTION FOR HEARING ON August 28, 2013,
AT 10:00 am AS FOLLOWS:**

**Plano Bankruptcy Courtroom
Wells Fargo Bank Building
660 North Central Expressway
Plano, Texas 75074**

COMES NOW JANNA L. COUNTRYMAN, the Standing Chapter 13 Trustee, and files this her Motion to Dismiss and Setting Hearing in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. The Debtor has unreasonably delayed the case because the Debtor has failed to make Chapter 13 plan payments as required by 11 USC §1326(a)(1). The Order Confirming Plan entered December 19, 2008, provided for a 60 month term with final payment due on June 30, 2013. As of August 07, 2013, the Debtor is in arrears in the amount of \$330.00. Failure to perform this duty constitutes an unreasonable delay by the Debtor that is prejudicial to creditors under 11 USC §1307 (c)(1) and amounts to a material default of a confirmed plan under 11 USC §1307 (c)(6).

WHEREFORE, PREMISES CONSIDERED, Janna L. Countryman, the Standing Chapter 13 Trustee, prays that this case be dismissed for cause.

Respectfully submitted,

/s/ Shelly Terrill
Janna L. Countryman, TBN 04888050
Shelly Terrill, TBN 00794788
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion to Dismiss and Setting Hearing has been served upon the following parties in interest by mailing a copy of same to them via first class mail and uploaded to the Court for service by the Bankruptcy Noticing Center to the parties on the Court's mailing matrix on the date set forth below .

LACHAUNIA YVETTE HAYS
18950 LINA STREET
APT 1511
DALLAS, TX 75287

ALLMAND LAW FIRM, PLLC
5646 MILTON STREET
SUITE 120
DALLAS, TX 75206

Dated: August 08, 2013

/s/ Shelly Terrill

Office of the Standing Chapter 13 Trustee